11. (amended) The composition of claim 7, wherein an active ingredient is present in both the multiparticulate phase and [at least one particulate phase and in] the matrix phase.

Cancel claim 12.

REMARKS

Claims 5-11 are now pending in this application. The examiner rejected Claims 5-9 and 12 under 35 U.S.C. 102(b) as being anticipated by Choi. To overcome the 102(b) rejection applicants have excluded orthoesters and specified the type of apparatus used for the process.

Regarding the rejection under 103(a) in view of Choi, applicants stress the fact that taste-masking is not the object of the present invention. The object is to produce forms which can either contain mutually incompatible active ingredients or show different release characteristics for one drug. In the case of mutually incompatible drugs one drug can be incorporated in the matrix phase while the other drug can be added in multiparticulate form. This is shown in the compositions according to Example 1. Choi does not address this problem. Choi's intention is to provide specific bio-erodible polymers which are especially useful as inserts or implants. Even though Choi mentions the preparation of an ocular insert wherein Zinc bacitracin is dispersed in a melt (col. 36, lines 53058) there is no indication that the formation of the mixture is a melt-extrusion process. Only a melt-extrusion process using an extruder with one or more screws will give stable and homogeneous formulations.

For the reasons expressed above it is urged that the prior art references cited by

the examiner, either singly or in combination fail to disclose or suggest the present invention as defined by the amended claims. Accordingly, a *prima facie* case of obviousness has not been established by the examiner, and the rejection under 35 USC 103(a) should be withdrawn.

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Respectfully submitted,
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